

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HOWARD McNELLEY)	CASE NO. 1:09-cv-1868
)	
on behalf of himself)	JUDGE GAUGHAN
and all others similarly situated,)	
)	MAGISTRATE JUDGE VECCHIARELLI
Plaintiff,)	
)	<u>STIPULATED ORDER AND</u>
vs.)	<u>FINAL JUDGMENT</u>
)	
ALDI, INC.)	
)	
Defendant.)	

These matter is before the Court on the parties' Joint Motion for Approval of Settlement ("Joint Motion") pursuant to § 16(b) of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b). The Joint Motion asks the Court to approve, as fair and reasonable, the proposed Settlement reached by the Parties and memorialized in the Confidential Joint Stipulation of Settlement and Release ("Settlement") attached to the Joint Motion as Exhibit A.

Having reviewed the Settlement Agreement and its Exhibits, the Declarations of Jason R. Bristol and Anthony J. Lazzaro appended to the Joint Motion, and the pleadings and papers on file in this Action, and for good cause established therein, the Court enters this Stipulated Order and Final Judgment approving the Settlement, the Settlement Agreement, and its Exhibits, including the proposed allocation of settlement payments, the proposed Service Award to the Representative Plaintiff, and the proposed attorneys' fees and expense reimbursements to Plaintiff's Counsel, as follows:

1. The captioned Lawsuit asserts wage-and-hour claims under the FLSA, 29 U.S.C. §§ 201-219, on behalf of current and former Store Managers for one or more workweeks at any

time between August 10, 2006 and the present and, while doing so, were treated as exempt from overtime compensation under the FLSA.

2. The Settlement will cover the 212 Plaintiffs listed in Appendix 1 who: (a) are within the class definition set forth in the court-authorized Notice to Potential Class Members issued to Plaintiffs on December 18, 2009 (the “Notice”); (b) either submitted a valid consent form during the notice period or previously opted into this Action; and (c) worked as Store Managers for one or more workweeks during their respective three-year statute of limitations periods.

3. The Court finds that the proposed Settlement is fair and reasonable and satisfies the standard for approval under § 16(b) of the FLSA, 29 U.S.C. § 216(b).

4. The Court approves the Settlement Agreement and its Exhibits, and orders that the Settlement be implemented according to the terms and conditions of the Settlement Agreement and as directed herein.

5. The Court finds that the proposed allocation of Individual Payments is fair and reasonable. The Court approves the proposed distribution of Individual Payments set forth in the Parties’ Settlement Agreement (listing the names of all eligible participants and the Individual Payments for which they are eligible.) The Court orders that such payments be distributed in the manner, and subject to the terms and conditions, set forth in the Settlement Agreement.

6. The Court approves the Service Award to the Representative Plaintiff in recognition of his service in the Action, and orders that such payment be made in the manner, and subject to the terms and conditions, set forth in the Settlement Agreement.

7. The Court approves the payment of attorneys’ fees and expense reimbursements to Plaintiff’s Counsel as provided in the Settlement Agreement, and orders that such payments be

made in the manner, and subject to the terms and conditions, set forth in the Settlement Agreement.

8. The Court dismisses the claims of Plaintiffs with prejudice, and enters final judgment dismissing them from the Action. The Court finds there is no just reason for delay and directs the Clerk of the Court to enter this Stipulated Order and Final Judgment immediately.

9. The Court retains jurisdiction over the Action to enforce the terms of the Settlement.

SO ORDERED:

Date: 11/15/11

/s/ Patricia A. Gaughan

Patricia A. Gaughan
United States District Judge

SO STIPULATED:

**COHEN ROSENTHAL & KRAMER
LLP**

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